

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
PHH MORTGAGE CORP,

Plaintiff,

20-cv-2561 (PKC)

-against-

21 ASSET MANAGEMENT HOLDING, llc,

ORDER

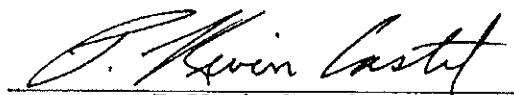
Defendants.

-----x  
CASTEL, U.S.D.J.:

Fully aware of the well-established law governing alternative pleading, defendant wants to move to dismiss four alternatively plead claims: Count IV: Account Stated; Count V: Unjust Enrichment; Count VI: Quantum Meruit and Count VII: Promissory Estoppel. Though even the grant of the motion would not alter the scope of discovery in the case and the motion could well await the summary judgment phase, that will not do for defendant. File motion within 14 days, response due 14 days later and reply due 7 days thereafter.

Discovery will not be stayed. The Court does not anticipate modifying the Scheduling Order of July 17, 2020

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
October 6, 2020